

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

SBC Communications, Inc., )  
SBC Delaware Inc., )  
Ameritech Corporation, )  
Illinois Bell Telephone Company )  
d/b/a Ameritech Illinois, and )  
Ameritech Illinois Metro, Inc. )  
)  
Joint Application for Approval of the )  
Reorganization of Illinois Bell )  
Telephone Company d/b/a Ameritech )  
Illinois, and the Reorganization )  
of Ameritech Illinois Metro, Inc. )  
In Accordance With Section 7-204 Of )  
The Public Utilities Act and for All )  
Other Appropriate Relief )

Docket No. 98-0555

COVAD COMMUNICATIONS COMPANY'S  
DRAFT ORDER

Covad Communications Company ("Covad"), pursuant to the July 9th request of the Chairman, hereby submits proposed language to be included in the final order if the Commission approves the proposed reorganization<sup>1</sup>:

1. SBC-Ameritech's Interconnection Commitment A should be modified as follows:

A. Applicants commit, upon request, to ~~could generally commit to offer and provide to CLECs in Illinois provide methods, terms and conditions of interconnection and access to unbundled network elements that Applicants (or Applicants' incumbent LEC subsidiaries or affiliates) offer or~~

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<sup>1</sup>Given Covad's limited involvement in this proceeding, and given the earlier issuance of the Proposed Order and Post Exceptions Proposed Order, Covad is not submitting a complete draft order, but rather is offering language to implement its proposed merger conditions.

provide in other states. Nothing in this Commitment shall be construed to restrict the Commission's review and approval of negotiated interconnection agreements pursuant to Section 252 of the Act. ~~such services, facilities or interconnection agreements/arrangements to CLECs in Illinois subject to the following reasonable exceptions and conditions:~~

- ~~● no requirement to offer UNEs, services, facilities or interconnection agreements/arrangements in Illinois which are imposed upon SBC by another state as a result of an arbitration (as opposed to a voluntary agreement);~~
- ~~● Joint Applicants would not be required to offer UNEs, services, facilities or interconnection agreements/arrangements if there are technical reasons or state legal reasons in Illinois which would make such offerings infeasible or unlawful/contrary to state policy;~~
- ~~● no requirement to offer UNEs, services, facilities or interconnection agreements/arrangements in Illinois at the same rates or prices as SBC makes such offerings in other SBC service territories since costs may and do vary by state, since pricing in each state reflects state pricing policies and costs;~~
- ~~● with this offer, the Joint Applicants are not waiving any right to seek modifications to interconnection agreements which incorporate services, facilities, or interconnection arrangements if changes in applicable law or state or federal requirements change the requirements for such UNEs, services, facilities, or interconnection agreements/arrangements.<sup>2</sup>~~

~~<sup>4</sup> Unless otherwise stated, commitments made by Joint Applicants in this submission are for a period not to exceed three years after closing.~~

~~<sup>2</sup> Indeed, Joint Applicants are not waiving their rights with respect to any changes in federal or state law that may affect the commitments stated herein.~~

2. The following condition should be included in the final order to address the provision of unbundled loops, including payment of special construction charges:

Applicants shall not impose special construction charges for the provision of unbundled loops unless: (1) it can be shown that the costs to be recovered through such special construction charges are not already being recovered through the TELRIC UNE pricing for the loop, and; (2) Applicants would charge their end use customer the same special construction charges if Applicants provided the same service to that end use customer.

3. The following condition should be included in the final order to address SBC-Ameritech's provision of loop information to carriers purchasing unbundled loops:

Applicants should provide to CLECs 24 hour on-line access to a computer database which contains information concerning the technical make-up of loops on its system, including physical medium of the loop (*i.e.*, copper or fiber); loop length in equivalent 26 gauge; the length and location of bridged taps; and the presence of load coils, repeaters, DLC systems or DAMLs.

For the reasons explained in Covad's Brief on Reopening, it is only if these conditions are included in the final order in this proceeding that approval of the merger will be in the public interest.

Respectfully submitted,

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DOCS1:245934.1 07.29.99 12.03